

THE HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.16440 OF 2007

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Dated: 19.11.2007

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Between:

Taneti Varahamma

...Petitioner

And:

T.Chittemma and another.

...Respondents

THE HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.16440 of 2007

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ORAL ORDER: (per the HON'BLE SRI JUSTICE D.S.R.VARMA)

Heard both sides.

2. This writ petition is filed seeking to issue a writ of Mandamus, to call for the records pertaining to the Award, dated 19.12.2002, in O.S.No.2327 of 2002, on the file of I Additional Junior Civil Judge, Vijayawada, passed in Lok Adalat, Vijayawada, and the consequential prohibitory order, dated 04.02.2005, in E.P.No.37 of 2005 in O.S.No.2327 of 2002, and to set them aside and to direct respondent No.2 to release the terminal and pensionary benefits of the deceased husband of the petitioner, with

all consequential benefits and attendant benefits with interest.

3. This is a dispute between the petitioner and respondent No.1 as regards the terminal benefits and family pension of the deceased-employee.

4. It appears that, after the death of the deceased, who was working as an employee under respondent No.2, the question that was placed before respondent No.2 was as to who among the petitioner or respondent No.1 was entitled to the terminal benefits and family pension of the deceased, as both of them claimed that they have right over the terminal benefits as well as family pension of the deceased, being his wives.

5. In fact, these types of disputes cannot be decided by this Court and the remedy available is elsewhere.

6. However, a Division Bench of this Court on an earlier occasion i.e., on 02.08.2007, advised the parties to arrive at a settlement out of the Court.

7. Now, learned Standing Counsel appearing for respondent No.2-Railways as well as learned counsel appearing for the petitioner and respondent No.1 submitted that both the parties have amicably settled the matter out of the Court and a Memorandum of Compromise was also reduced into writing.

8. Respondent No.1, in fact, is present before this Court. However, the petitioner, reportedly, was sick and, therefore, was not able to present physically before this Court.

9. But, the record placed before this Court by learned Standing Counsel appearing for respondent No.2-Railways do reveals that there was a compromise arrived at between the parties.

10. Therefore, in view of the statement made by learned Standing Counsel appearing for respondent No.2-Railways as well as learned counsel appearing for the petitioner and respondent No.1, we do not find any reason to disbelieve the version of

learned Standing Counsel appearing for respondent No.2-Railways, particularly in view of the report filed by learned Standing Counsel appearing for respondent No.2-Railways.

11. The deed of compromise, by which settlement was arrived at between the parties, containing the terms of compromise, is made part of the record, which contains the signature of both the parties and the learned counsel appearing on their behalf.

12. In view of the said deed of compromise, suffice it to dispose of the writ petition, inasmuch as, no further adjudication is required in the matter.

13. Accordingly, the writ petition is disposed of, at the stage of admission. However, there shall be no order as to costs.

14. It is needless to mention that respondent No.2 can proceed with the matter for disposing of monies to the petitioner as well as respondent No.1 in terms of compromise.

D.S.R.VARMA

JUSTICE

19TH NOVEMBER 2007
DR

JUSTICE K.C.BHANU